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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>		Application Number	10/696,381
		Filing Date	October 28, 2003
		First Named Inventor	Albert K. Chin
		Group Art Unit Number	3731
		Examiner Name	Not Yet Known
Total Number of Pages in This Submission	13*	Attorney Docket Number	80121-08565

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement & PTO/SB/08A <input checked="" type="checkbox"/> Copies of IDS Non-U.S.Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS: *Page count does not include cited references.	

SIGNATURE OF ATTORNEY OR AGENT		
Signature:	<i>A.C. Smith</i>	
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355	Dated: 4/28/05

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I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.		
Signature:	<i>A.C. Smith</i>	
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Express Mail Mailing Number (optional):		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Albert K. Chin  
APPLICATION NO.: 10/696,381  
FILING DATE: October 28, 2003  
TITLE: Longitudinal Dilator  
EXAMINER: Not Yet Known  
GROUP ART UNIT: 3731  
ATTY. DKT. NO.: 80121-08565

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4/28/05

By: \_\_\_\_\_

*Albert C. Smith*

Albert C. Smith, Reg. No.: 20,355

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

Concise explanations in accordance with the provisions of 37 CFR § 1.98 of the portions of the references not in the English language believed to be relevant are as follows:

B1 – The figure and associated text of this reference are believed to disclose an intravascular device for performing vascular surgery under endoscopic viewing.

B5 – Figure 2 and the associated written description are believed to disclose an endoscopic device for optically examining an orifice or cavity in a patient.

B8 – Figures 1 and 2 and the associated text of this reference are believed to disclose a surgical device on a flexible extension.

B9 – The figures and associated text of this reference are believed to disclose an endoscopic device for penetrating tissue in the leg of a patient.

C5 – Figures 1 and 5-7 and the associated written descriptions are believed to disclose subxiphoid access to the pericardium for penetration of the pericardium to install electrodes for an implantable pacemaker onto the myocardium.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;

**PATENT**

- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
  - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☒ Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

**PATENT**

☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
ALBERT K. CHIN

Dated: 4/28/05

By: A.C. Smith

Albert C. Smith, Reg. No.: 20,355

Fenwick & West LLP

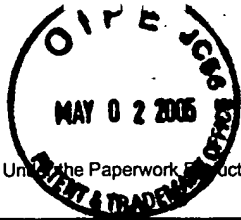
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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>Complete if Known</b>	
				Application No.	10/696,381
				Filing Date	October 28, 2003
				First Named Inventor	Albert K. Chin
				Art Unit	3731
				Examiner Name	Not Yet Known
Sheet	1	of	8	Attorney Docket Number	80121-08565

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US-6,706,052	03-16-2004	Chin
	A2	US-6,607,547	08-19-2003	Chin
	A3	US-6,569,082	05-27-2003	Chin
	A4	US 6,488,689	12-03-2002	Kaplan et al.
	A5	US-6,478,028	11-12-2002	Paolitto et al.
	A6	US-6,428,556	08-06-2002	Chin
	A7	US-6,346,074	02-12-2002	Roth
	A8	US-6,322,536 B1	11/27/2001	Rosengart et al.
	A9	US-6,237,605	05-29-2001	Vaska et al.
	A10	US-6,206,004	03-27-2001	Schmidt et al.
	A11	US-6,162,195	12-19-2000	Igo et al.
	A12	US-6,156,009	12-05-2000	Grabek
	A13	US-6,102,046	08/15/2000	Weinstein et al.
	A14	US-6,095,968	08-01-2000	Snyders
	A15	US-6,085,754	07-11-2000	Alfemess et al.
	A16	US-6,077,218	06-02-2000	Alfemess
	A17	US-6,039,748	03-21-2000	Savage et al.
	A18	US-6,036,714	03-14-2000	Chin
	A19	US-5,972,013	10-26-1999	Schmidt
	A20	US-5,972,010	10-26-1999	Taheri
	A21	US-5,957,880	09-28-1999	Igo et al.
	A22	US-5,957,835	09-28-1999	Anderson et al.
	A23	US-5,931,810	08-03-1999	Grabek
	A24	US-5,904,711	05-18-1999	Flom et al.
	A25	US-5,902,331	05-11-1999	Bonner et al.

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

80121/08565/DOCS/1523992.1

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Application No.	10/696,381
Filing Date	October 28, 2003
First Named Inventor	Albert K. Chin
Art Unit	3731
Examiner Name	Not Yet Known
Attorney Docket Number	80121-08565

Sheet 2 of 8

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A26	US-5,900,433	05-04-1999	Igo et al.
	A27	US-5,897,586	04-27-1999	Molina
	A28	US-5,860,997	01-19-1999	Bonutti
	A29	US-5,827,216	10-27-1998	Igo et al.
	A30	US-5,810,878	09/22/1998	Burel et al.
	A31	US-5,800,449	09/01/1998	Wales
	A32	US-5,797,946	08-25-1998	Chin
	A33	US-5,772,680	06-30-1998	Kieturakis et al.
	A34	US-5,762,604	06.09.1998	Kieturakis
	A35	US-5,755,764	05-26-1998	Schreippel
	A36	US-5,738,628	04-14-1998	Sierocuk et al.
	A37	US-5,730,756	03-24-1998	Kieturakis
	A38	US-5,728,148	03-17-1998	Bostrom et al.
	A39	US-5,725,492	03-10-1998	Igo et al.
	A40	US-5,716,392	02-10-1998	Bourgeois et al.
	A41	US-5,707,390	01-13-1998	Bonutti
	A42	US-5,702,417	12-30-1997	Hermann
	A43	US-5,702,343	12-30-1997	Alfemess
	A44	US-5,695,504	12-09-1997	Gifford, III et al.
	A45	US-5,690,648	11-25-1997	Fogarty et al.
	A46	US-5,685,820	11-11-1997	Riek et al.
	A47	US-5,681,278	10-28-1997	Igo et al.
	A48	US-5,667,520	09-16-1997	Bonutti
	A49	US-5,653,726	08-05-1997	Kieturakis
	A50	US-5,653,722	.07-1997	Kieturakis

Examiner Signature		Date Considered	
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80121/08565/DOCS/1523992.1

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				Application No.	10/696,381
				Filing Date	October 28, 2003
				First Named Inventor	Albert K. Chin
				Art Unit	3731
				Examiner Name	Not Yet Known
Sheet	3	of	8	Attorney Docket Number	80121-08565

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A51	US-5,650,447	07-22-1997	Keefer et al.
	A52	US-5,634,895	06-03-1997	Igo et al.
	A53	US-5,618,287	04-08-1997	Fogarty et al.
	A54	US-5,613,947	03-25-1997	Chin
	A55	US-5,613,937	03-25-1997	Garrison et al.
	A56	US-5,607,441	03-04-1997	Sierocuk et al.
	A57	US-5,601,589	02-11-1997	Fogarty et al.
	A58	US-5,601,576	02/11/1997	Garrison
	A59	US-5,591,192	01-07-1997	Privitera et al.
	A60	US-5,569,292	10-29-1996	Scwemberger et al.
	A61	US-5,569,291	10-29-1996	Privitera et al.
	A62	US-5,551,947	09-03-1996	Kaali
	A63	US-5,540,711	07-30-1996	Kieturakis et al.
	A64	US-5,514,153	05-07-1996	Bonutti
	A65	US-5,496,345	03-05-1996	Kieturakis et al.
	A66	US-5,482,925	01-09-1996	Hutsell
	A67	US-5,464,447	11-07-1995	Fogarty et al.
	A68	US-5,385,156	01-31-1995	Oliva
	A69	US-5,376,076	12-27-1994	Kaali
	A70	US-5,373,840	12-20-1994	Knighton
	A71	US-5,339,801	08-23-1994	Poloyko et al.
	A72	US-5,334,150	08-02-1994	Kaali
	A73	US-5,331,975	07-26-1994	Bonutti
	A74	US-5,271,380	12-21-1993	Riek et al.
	A75	US-5,246,014	09-21-1993	Williams et al.

Examiner Signature		Date Considered	
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U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A76	US-5,215,521	06-01-1993	Cochran et al.
	A77	US-5,183,464	02-02-1993	Dubrul et al.
	A78	US-5,163,949	11-1992	Bonutti
	A79	US-5,150,706	09-29-1992	Cox et al.
	A80	US-5,143,082	09-01-1992	Kindberg et al.
	A81	US-5,131,905	07-21-1992	Grooters
	A82	US-5,129,394	07-14-1992	Mehra
	A83	US-5,071,428	12-10-1991	Chin et al.
	A84	US-4,991,578	02-12-1991	Cohen
	A85	US-4,957,477	09-18-1990	Lundback
	A86	US-4,921,483	05-01-1990	Wijay et al.
	A87	US-4,863,440	09-05-1989	Chin
	A88	US-4,784,133	11-15-1988	Mackin
	A89	US-4,779,611	10-25-1988	Grooters et al.
	A90	US-4,765,341	08-23-1988	Mower et al.
	A91	US-4,662,371	05-05-1987	Whipple et al.
	A92	US-4,630,609	12-23-1986	Chin
	A93	US-4,526,175	07-02-1985	Chin et al.
	A94	US-4,493,711	01-15-1985	
	A95	US-4,479,497	10-30-1984	Fogarty et al.
	A96	US-4,319,562	03-16-1982	Crosby
	A97	US-4,318,410	03-09-1982	Chin
	A98	US-4,291,707	09-29-1981	Heilman et al.
	A99	US-4,271,839	06-09-1981	Fogarty et al.
	A100	US-4,270,549	06-02-1981	Heilman

Examiner Signature		Date Considered	
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				First Named Inventor	Albert K. Chin
				Art Unit	3731
				Examiner Name	Not Yet Known
Sheet	5	of	8	Attorney Docket Number	80121-08565

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No. Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A101	US-4,181,123	01-01-1980	Crosby
	A102	US-RE29,088	12-28-1976	Shaw
	A103	US-3,934,115	01-20-1976	Peterson
	A104	US-3,882,854	05-13-1975	Hulka et al.
	A105	US-3,856,016	12-24-1974	Davis
	A106	US-3,357,433	12-12-1967	Fourestier et al.
	A107	US-3,336,916	08-22-1967	Edlich
	A108	US-3,185,155	05-25-1965	Slaten et al.
	A109	US-2,944,552	07-12-1960	Cannon
	A110	US-2,868,206	01-13-1959	Stoesser
	A111	US-2,316,297	04-13-1943	Southerland et al.
	A112	US-2,028,635	01-21-1936	Wappler
	A113	US-2,011,169	08-13-1935	Wappler
	A114	US-1,867,624	07-19-1932	Hoffman
	A115	US-1,727,495	12-08-1926	Wappler
	A116	US-207,932	09-10-1878	Alvord

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
	B1	DE 39 42 589	22.12.1989	Olympus Optical Co.	
	B2	EP 0791330 A2	08/27/1997	Cardiothoracic Systems, Inc.	
	B3	EP 0095727A1	12-07-1983	Purdue Research Foundation	
	B4	EP 0 642 764	13.09.1994	United States Surgical Corporation	

Examiner Signature		Date Considered	
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				Application No.	10/696,381
				Filing Date	October 28, 2003
				First Named Inventor	Albert K. Chin
				Art Unit	3731
				Examiner Name	Not Yet Known
Sheet	6	of	8	Attorney Docket Number	80121-08565

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
	B5	FR 1 370580	1962	Fourestier et al.	
	B6	GB 2 082 459	13.08.1981	Atrium Medical	
	B7	GB 2 195 540	18.09.1987	Anthony James Milne	
	B8	SU 510235	15.04.1976		
	B9	SU 1371689	20.03.1986		
	B10	WO 99/13936	03-25-1999	Comedicus Incorporated	
	B11	WO 99/13785	03-25-1999	Comedicus Incorporated	
	B12	WO 98/24488 A3	06-11-1998	Comedicus Incorporated	
	B13	WO 98/24488 A2	06-11-1998	Comedicus Incorporated	
	B14	WO 98/24378	06-11-1998	Comedicus Incorporated	
	B15	WO 96/32882	10/24/1996	Heartport, Inc.	
	B16	WO 96/00038	01-04-1996	Comedics Corp.	

## OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
	C1	BARTOCCIONI, S., et al., Laparoscopic Harvesting of Right Gastroepiploic Artery for Coronary Artery Bypass Graft Performed Without Sterotomy [online], [retrieved on 10-5-1999] Retrieved from the internet <URL: <a href="http://www.ctsnet.org/doc/2628">http://www.ctsnet.org/doc/2628</a>	
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	C6	Comedicus Gets Approval to Sell Product in European Union, March 1, 1999, Swenson NHB Investor Relations, 4 pages.	
	C7	DE FEYTER, P.J. et al., "Permanent Cardiac Pacing with Sutureless Myocardial Electrodes: Experience in First One Hundred Patients," <i>PACE</i> , Vol 3, No. 2, March 1980, pp. 144-149.	
	C8	DELARIA, G.A. et al., "Leg Wound Complications Associated With Coronary Revascularization", <i>J. Thorac. Cardiovasc. Surgery</i> , 81:403-407, 1981.	
	C9	DIMITRI, W.R., et al., "A Quick and Atraumatic Method of Autologous Vein Harvesting Using the Subcutaneous Extraluminal Dissector", <i>J. Cardiovasc. Surg.</i> , 28:103-11, 1987	
	C10	FOGARTY, M.D., Thomas J., et al., "Selected Applications of Balloon Dissection", pp. 45-52	
	C11	FONTENELLE, Larry, J., "Subxiphoid Pericardial Window", <i>Thoracic and Cardiovascular Surgery, The American Association for Thoracic Surgery</i> , July 1971, Vol. 62, No. 1, pp. 95-97	
	C12	GRANDJEAN, Jan G., et al., "Coronary Reoperation via Small Laparotomy Using Right Gastroepiploic Artery Without CPB", <i>Society of Thoracic Surgeons</i> , 1996, pp.	
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	C17	LEVIN, Bradley H., "The Subxiphoid Pericardial Window", <i>Surgery, Gynecology &amp; Obstetrics</i> , December 1982, Vol. 155, pp. 804-806	
	C18	MELDRUM-HANNA, W. et al., "Long Saphenous Vein Harvesting," <i>J. Surg.</i> , 56: 923-924, 1986.	
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	C20	PRAGER, Richard L., et al., "The Subxiphoid Approach to Pericardial Disease", <i>The Annals of Thoracic Surgery</i> , Vol. 34, No. 1, July 1982	
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	C22	SABISTON, David C., Jr., et al., "Atlas of Cardiothoracic Surgery", W.B. Saunders Company, 1995, pp. 235-237	
	C23	SANTOS, Gil H., et al., "The Subxiphoid Approach in the Treatment of Pericardial Effusion", <i>Albert Einstein College of Medicine</i> , September 21, 1976, pp.467-470	

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